



MURIEL GOODE-TRUFANT
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

John Doody
Phone: (212) 356-4362
johndoody@law.nyc.gov

April 14, 2025


VIA ECF

Honorable Lewis J. Liman
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

The request is granted. The IPTC scheduled for April 21, 2025, is canceled. The Court adopts the briefing schedule set out below to govern proceedings in this case. The parties are relieved from the obligation to file Rule 56.1 statements.

Date: 4/15/25

SO ORDERED.


LEWIS J. LIMAN
United States District Judge

Re: S.S. et al v. New York City Department of Education
Case No: 25-cv-00217-LJL

Dear Judge Liman:

I am an Assistant Corporation Counsel representing the New York City Department of Education (“Defendant”) in the above-referenced action. I write jointly with Plaintiff’s counsel, Mark Gutman, Esq., to provide the Court with the Parties’ positions regarding the initial pre-trial conference (“IPTC”) scheduled for Thursday, April 21, 2025, at 3:00 p.m. As further explained below, the Parties respectfully request that the IPTC be adjourned *sine die*.

As this matter is an appeal of an administrative decision centered on whether Defendant’s 2022 Reevaluation was appropriate, the Parties agree that an IPTC and/or mediation would be unnecessary. The Parties believe this matter can be resolved through motions for summary judgment based upon the certified administrative record. Both parties have received a copy of the certified record.

In light of the foregoing, the Parties propose the following briefing schedule for the Parties’ respective motions for summary judgment.

June 5, 2025: Plaintiff to file their motion for summary judgment;

July 21, 2025: Defendant to file its cross-motion for summary judgment and opposition to Plaintiff’s motion for summary judgment;

August 20, 2025: Plaintiff to file their opposition to Defendant's cross-motion and reply.

September 19, 2025: Defendant to file its reply in further support of its cross-motion, if any.

Please also find attached hereto the Parties' Joint Civil Case Management Plan and Scheduling Order. Kindly note that the Parties agree that no formal discovery is required beyond filing the certified administrative record.

Moreover, it is also respectfully submitted that because the inquiry here is not whether there are disputed issues of fact, the Rule 56.1 statements should be waived. While in IDEA actions, "the parties and the court typically style the decision as a ruling on a motion for summary judgment, [] 'the procedure is in substance an appeal from an administrative decision, not a summary judgment motion.'" *Bd. Of Educ. v. C.S.*, 990 F.3d 156, 165 (2d Cir. 2021) (quoting *M.H. v N.Y.C. Dep't of Educ.*, 685 F.3d 217, 226 (2d Cir. 2012)). Because the Parties' motions will be based solely on the administrative record, the Parties jointly and respectfully request that the Court waive the submission of 56.1 statements.

Thank you for your consideration in this matter.

Very truly yours,



John Doody
Assistant Corporation Counsel

cc: Plaintiff's counsel (via ECF)